PB# 82-27

Joseph Licari

Licari Joseph Site 82-27 Deli Groceries

TOWN OF NEW WINDSOR	General Receipt	5023
555 Union Avenue	_	71124 13 183
New Windsor, N. Y. 12550	1 1	1000,12 19 52
Received of Arch	Leavi	\$ 25-101
of the first	1 . 00	
- January	Lux angior	DOLLARS
For AD Sand/	Pplication Kee 82-2	7-Site
DISTRIBUTION		0 1 E.C.
FUND COD	By Heart	ine N. Townsen
8000		
2J. 0) Ju	Ceh to	Clark 1
Williamson Law Book Co., Rochester, N. V. 1860a	SR JUIN	Titla
	General Receipt	50 70
TOWN OF NEW WINDSOR		\overline{D} \overline{D}
555 Union Avenue New Windsor, N. Y. 12550		(Jar. 2/ 1983
1	l Lieuri	75-00
Received of	- mall	\$ / V
Leventy	tare and too	DOLLARS
1: 1-11	Ola Balan	82121
For VILL	ean garance	
DISTRIBUTION		4-10
FUND C	By Heule	nen-joureur
1 8-7 CM		$ 00^{\circ}$
13.00	ash	dian Clark
Williamson Law Book Co., Rochester, N. Y. 14509		Title

€

Ç

opprøved tomobile 1/21/83 per

Leari Joseph Lite 82-37



APPLICATION FOR SITE PLAN APPROVAL

Name	Joseph Licari
Addı	cess 478 Union Avenue, New Windsor, New York 12550
1.	Owner of the property Rita Licari, 478 Union Ave., New Windsor, New York
2.	Location of the property: Union Avenue
3.	Zone area P.I.
4.	llature of business: Grocery/Deli Retail Store
5.	Lot sime: Front 100' Rear 100' Depth 385'±(Avg)
6.	Building setbacks: Front yard 50' Rear yard 252'±
	Side yards 15/40
7.	Dimensions of new building 30' x 55'
	Addition
	If addition, state front, side, rear of existing structure:

12550

I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of New York and the Town of New Windsor will be paid and that any expense for advertising of Public Hearing or meetings will be paid. Also, any legal or engineering fees for review of this project.

Signed: Rete Lucu (APPLICANT)

Maps Required for:

Planning Board
Highway Dept.
Sanitation Dept.
Water Dept.
County Planning Board
Building Inspector

Action of the Zoning Board of Appeals: Variances Granted



McGOEY, HAUSER & GREVAS CONSULTING ENGINEERS

45 QUASSAICK AVE (ROUTE 9W) **NEW WINDSOR, NEW YORK 12550**

TELEPHONE (914) 562-8640 PORT JERVIS (914) 856-5600

3 March 1983

Department of Public Works Route 17M P.O. Box 509 Goshen, New York 10924

ATTENTION: MR. WILLIAM E. DUGGAN, SENIOR ENGINEER

SUBJECT: LICARI SITE PLAN; CR-69, PART I (UNION AVENUE),

TOWN OF NEW WINDSOR, NEW YORK

Dear Mr. Duggan:

Since your letter of 14 December 1982 to Mr. Henry VanLeeuwen, Chairman, New Windsor Planning Board, we have revised the Site Plan in accordance with the comments contained in your letter.

The revised Site Plan was subsequently submitted to the Town of New Windsor Planning Board and approved on 26 January 1983. One of the conditions of approval was the County Highway Permit for the entrance.

We are enclosing two (2) copies of the Site Plan, Rev. 3 - 25 January 1983, for your review for comformance to your comments. Please furnish us with the necessary permit application forms and bonding requirements, if any, for our client. Our client intends to construct the improvements himself, using sub-contractors as . his labor force.

If you should have any questions, please do not hesitate to contact this office.

Very truly yours,

McGOEY, HAUSER AND GREVAS

Elias D. Grevas, L. S.

Partner

Encls.as EDGrje

cc: Mr. Henry VanLeeuwen, Chairman, New Windsor Planning Board

Mr. Paul Cuomo, P.E., Town Engineer

Mr. Joseph Licari

Licensed in New York New Jersey Pennsylvania

NEW WINDSOR ZONING BOARD OF APPEALS Regular Session August 9, 1982

MEMBERS PRESENT: Chairman Richard Fenwick

V. Chairman Dan Konkol

John Pagano Joseph Skopin James Nugent Jack Babcock

MEMBERS ABSENT: Vincent Bivona

ALSO PRESENT: Andrew S. Krieger, Esq.

Attorney for Board

Patricia Delio, Secretary

쏬

The August 9, 1982 session of the Zoning Board of Appeals was called to order by Chairman Richard Fenwick. Roll call was taken by Secretary.

Motion to approve the minutes of the June 14, 1982 meeting as written was made by John Pagano, seconded by James Nugent.

ROLL CALL:

Mr. Pagano: Yes Mr. Skopin: Yes Mr. Babcock: Yes Mr. Konkol: Yes Mr. Fenwick: Yes

Motion carried 6 ayes.

PRELIMINARY MEETING:

Mr. Frank Pietrzak of Steele Road, Town of New Windsor, N.Y., appeared with his attorney, Alan J. Axelrod, Esq., with a request for a use variance to construct an automobile restoration garage in a PI (Planned Industrial) zone, to be located on Steele Road.

Mr. Axelrod explained that there would be no employees - - Mr. Pietrzak's son would be operating the business on land adjacent to the residence.

After some lengthy discussion, it was the consensus of opinion of the ZBA members that no variance would be necessary since this operation is proposed for a PI zone. Use is permitted. Mr. Pietrzak was referred to the Planning Board for site plan approval.

However, motion was made by James Nugent, seconded by Dan Konkol to waive a preliminary meeting if an area variance is required in this matter since the Board has already reviewed the plans.

*

ROLL CALL:

Mr. Pagano: Yes Mr. Skopin: Yes Mr. Babcock: Yes Mr. Konkol: Yes Mr. Fenwick: Yes

Motion carried 6 ayes.

*

DECISION: Formal decision - LICARI/PARISER/SHATZ -

Motion followed by John Pagano, seconded by Joseph Skopin to approve the formal decision in the matter of the Application of LICARI/PARISER/SHATZ, which decision is attached hereto and made a part of these minutes.

ROLL CALL:

*

Mr. Pagano: Yes Mr. Skopin: Yes Mr. Babcock: Yes Mr. Konkol: Yes Mr. Renwick: Yes

Motion carried 6 ayes.

×

There was a brief discussion held concerning the ZBA Budget for 1982-83. The Secretary informed the Board members that the ZBA budget would be presented to the Town Board in September.

Since there was no further business to be brought before the Board, motion followed by John Pagano, seconded by Joseph Skopin to adjourn. Motion carried-all ayes. Meeting adjourned.

Respectfully submitted,

*

PATRICIA DELIO, Secretary

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
In the Matter of the Application of JOSEPH LICARI/BARRY PARISER and MARVIN SHATZ. # 82-4
BARRY PARISER and MARVIN SHATZ WHEREAS, JOSEPH LICARI / of 478 Union Ave., New Windsor, N.Y.; 435 Route 9W, Newburgh, and 13 Lillian Place, New Windsor, NY, have made application before the
Zoning Board of Appeals for use and area variance (s) for the purpose
of: construction of a grocery store and deli on Union Avenue (PI zone) ;
and
WHEREAS, a public hearing was held on the 14th day of
June , 19 82 at the Town Hall, 555 Union Avenue, New Windsor,
New York; and
WHEREAS, applicant appeared with his attorney, Daniel J.
Bloom, Esq. (representing contract purchaser, LICARI); and
WHEREAS, the application was <u>unopposed</u> ; and
WHEREAS, the Zoning Board of Appeals of the Town of New
Windsor makes the following findings of fact in this matter:
1. The notice of public hearing was duly sent to residents
and businesses as prescribed by law and published in The Sentinel, also
as required by law.
2. The evidence shows: that applicant, LICARI, intends to
construct a family-owned grocery/deli in a PI zone on Union Avenue with
no access off Temple Hill Road;
3. The evidence shows: subject premises has been listed
actively for sale through a local real estate broker since 1978 and no

4. The evidence shows: because of the extremely narrow width of the property, the building to be constructed represents the smallest viable commercial structure that could be constructed on premises

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

- 1. The evidence indicates that the aforesaid circumstances or conditions are such that the strict application of the provisions of the local law would deprive the applicant of the reasonable use of such land or building.
- 2. The evidence indicates that the plight of the applicant is due to unique circumstances and not to general conditions suffered by other persons within the same zone.
- 3. The evidence shows that the applicant will encounter practical difficulty if the area variance requested is not granted.
- 4. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grants a use and area variance to applicants

in accordance with plans submitted at the public hearing. with the restriction that there will be no ingress or egress off Temple Hill Road.

BE IT FURTHER.

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant, or his attorney.

Dated: 8/8/82

John Janusch Chairman

NEW WINDSOR ZONING BOARD OF APPEALS Regular Session June 14, 1982

MEMBERS PRESENT:

Richard Fenwick, Chairman

JOHN CHUIN

Dan Konkol, V. Chairman

Vincent Bivona Jack Babcock James Nugent Joseph Skopin John Pagano

ALSO PRESENT:

Andrew S. Krieger, Esq.

Attorney for Board

Patricia Delio, Secretary

*

The June 14, 1982 session of the Zoning Board of Appeals was called to order by Chairman Richard Fenwick. Secretary called the roll.

Motion followed by Dan Konkol, seconded by Vincent Bivona to accept the minutes of the May 24, 1982 meeting as written.

> ROLL CALL: Mr. Bivona - Yes

> > Mr. Babcock - Yes

Mr. Nugent - Yes

Mr. Skopin - Yes

Mr. Konkol - Yes Mr. Fenwick - Yes

Motion carried 6-0.

×

PUBLIC HEARING on Application of JOSEPH LICARI (contract purchaser), BARRY PARISER and MARVIN SHATZ (owners) for use and area variances for the purposes of construction of a grocery store and deli to be located on Union Avenue near Temple Hill Road in a PI (Planned Industrial) zone.

Daniel J. Bloom, Esq., attorney representing the contract purchaser, appeared and made the presentation. Mr. Bloom furnished applications, site plans for the Board's inspection, list from Town Assessor's Office containing approximately 30 names, 28 return receipts, affidavit of service by mail and check in the sum of \$50.00 for application fee.

Correspondence was reportedly received by Secretary from the Orange County Planning Department dated 6/4/82 returning the matter back to the ZBA for local determination.

There was one spectator present at the hearing. objections were voiced. The owners of the property were not present. Mr. Bloom stated that this establishment would be a family-owned operation; there would be no Sunday store hours and the entrance and exits would be located on Union Avenue.

Public hearing was recorded on Tapes Nos. 105 and 106 on file in Secretary's office.

After the close of the public hearing, motion was made to grant the following variances in accordance with plans submitted:

- (1) Use for retail sales of groceries (not permitted in PI- Planned Industrial, zone;
 - (2) 8,437 sq. ft. lot area variance; and
 - (3) 50 + sq. ft. lot width variance.

Also, the following restrictions would be placed on the variance:

That there will be no ingress or egress off Temple Hill Road.

ROLL CALL: Mr. Pagano - No Mr. Skopin - Yes

Mr. Bivona - Yes Mr. Konkol - Abstaining

Mr. Babcock - Yes Mr. Fenwick - Yes

Mr. Nugent - Yes

Motion carried 5 ayes - 1 nay - 1 abstention. Formal decision would be drafted and acted upon at an upcoming meeting of the Board.

* * * * *

Motion to accept the formal decision in the matter of the Application of SILVER STREAM CO. and BIVONA by Vincent Bivona, seconded by Jack Babcock.

ROLL CALL: Mr. Pagano - Yes Mr. Skopin - Yes Mr. Bivona - Yes Mr. Konkol - Yes Mr. Babcock - Yes Mr. Fenwick - Yes

Mr. Nugent - Yes

Motion carried 7-0. Formal decision attached hereto and made a part of these minutes hereof.

* * * *

Since there was no further business to discuss, motion followed by Joseph Skopin, seconded by John Pagano. Motion carried, all ayes. Meeting adjourned.

Respectfully submitted,
PATRICIA DELIO, Secretary

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
In the Matter of the Application of SILVER STREAM CO./CHARLES J. & PETER BIVONA. DECISION USE AND AREA VARIANCES
<u>82-6</u> .
WHEREAS, SILVER STREAM CO. of 285 Route 304, Nanuet, New York and CHARLES J. and PETER BIVONA /of 191 Lakeside Road, Newburgh, N.Y., have made application before the
Zoning Board of Appeals for <u>use and area</u> variance (s) for the purpose
of: use of property for mobile home sales and accessory uses ;
and
WHEREAS, a public hearing was held on the 24th day of
May , 1982 at the Town Hall, 555 Union Avenue, New Windsor,
New York; and
WHEREAS, applicant appeared by his attorney Stephen L.
Reineke, Esq. of Levinson, Reineke & Ornstein, Central Valley,NY; and
WHEREAS, the application was <u>unopposed</u> ; and
WHEREAS, the Zoning Board of Appeals of the Town of New
Windsor makes the following findings of fact in this matter:
1. The notice of public hearing was duly sent to residents
and businesses as prescribed by law and published in The Sentinel, also
as required by law.
2. The evidence shows: that applicant intends to use the
property in question for mobile home sales and accessory uses in conformance
with Article 27 - Mobile Home Law of the Town of New Windsor;
3. The evidence shows: that applicant, Bivona, owns 1.67
acres of land located in an NC (Neighborhood-Commercial) zone;

4. The evidence shows: that applicant needs several area variances and a use variance to complete project as proposed;

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

- 1. The evidence indicates that the aforesaid circumstances or conditions are such that the strict application of the provisions of the local law would deprive the applicant of the reasonable use of such land or building.
- 2. The evidence indicates that the plight of the applicant is due to unique circumstances and not to general conditions suffered by other persons within the same zone.
- 3. The evidence shows that the applicant will encounter practical difficulty if the area variance requested is not granted.
- 4. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grants the use and area variances

in accordance with plans submitted at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant, or his attorney.

Dated: <u>June 14, 1982</u>.

Sucher Succession Charman



Louis Heimbach
County Executive

Department of Planning & Economic Development

124 Main Street Goshen, New York 10924 (914) 294-5151

Peter Garrison, Commissioner Richard S. DeTurk, Deputy Commissioner

December 6, 1982

Mr. Henry Van Leeuwen, Chairman Town of New Windsor Planning Board 555 Union Avenue New Windsor, New York 12550

> Re: J. Licardi Site Plan Our File No. NWT-4-82M

Dear Mr. Van Leeuwen:

We have reviewed the above application in accordance with the provisions of Section 239, 1 and m, Article 12-B of the General Municipal Law of the State of New York.

We hereby return the site plan for final local determination.

Sincerely,

Peter Garrison

Commissioner of Planning and Economic Development

Reviewed by Yoel Shaw

Senior Planner

PG:rtt Enclosure

			•
COUNTY	E	NO.	NWT-4-82M

COUNTY PLANNING REFERRAL (Mandatory County Planning Review under Section 239, Article 12-B of the General Municipal Law)

APPLICA	TION OF_	J. Licardi		
for a		Site Plan		
County /	Action:_	we hereby return local determinat	this site plan for final	
		LOCAL MUNIC	IPAL ACTION	
		The above-cited a	application was:	
	Denied	/	Approved	
ı	Approved	subject to County	y recommendations	
	(dat	te)	(Signature of Local Official	al)

This must be returned to the Orange County Department of Planning and Economic Devlopment within 7 days of local action.

Department of Public Works

THEN, NEW YORK 10924

Office 294-7051

ROUTE 17-M P.O. BOX 509 GOSHEN, NEW YORK 10924 TEL: Office 294-7951 - Garage 294-9115

LOUIS J. CASCINO, P.E. Commissioner

December 14, 1982

Mr. Henry VanLeeuwen, Chairman New Windsor Planning Board 555 Union Avenue New Windsor, New York 12550

Re: Licari Proposal

CR-59, Part I (Union Avenue)

Dear Sir:

Since this office has not heard from the Engineering Firm and Paul Cuomo after our November 29th phone calls, we submit the following:

- (1) One entrance will be permitted at right angles to the County Road. This should be wide enough to accommodate ingress and egress at the same time.
 - (2) A 24" culvert pipe will be required under the entrance.

Since it would be difficult to install a round pipe and meet our profile requirements, a squash pipe is advisable.

- (3) Our profile requirements are a negative 2% grade from edge of County Road pavement to the low point behind the pipe.
- (4) If headwalls or curbing or end sections are to be provided, this should be indicated on the plan. In addition, if any lighting is to be provided, the glare should not interfere with the traveling public.

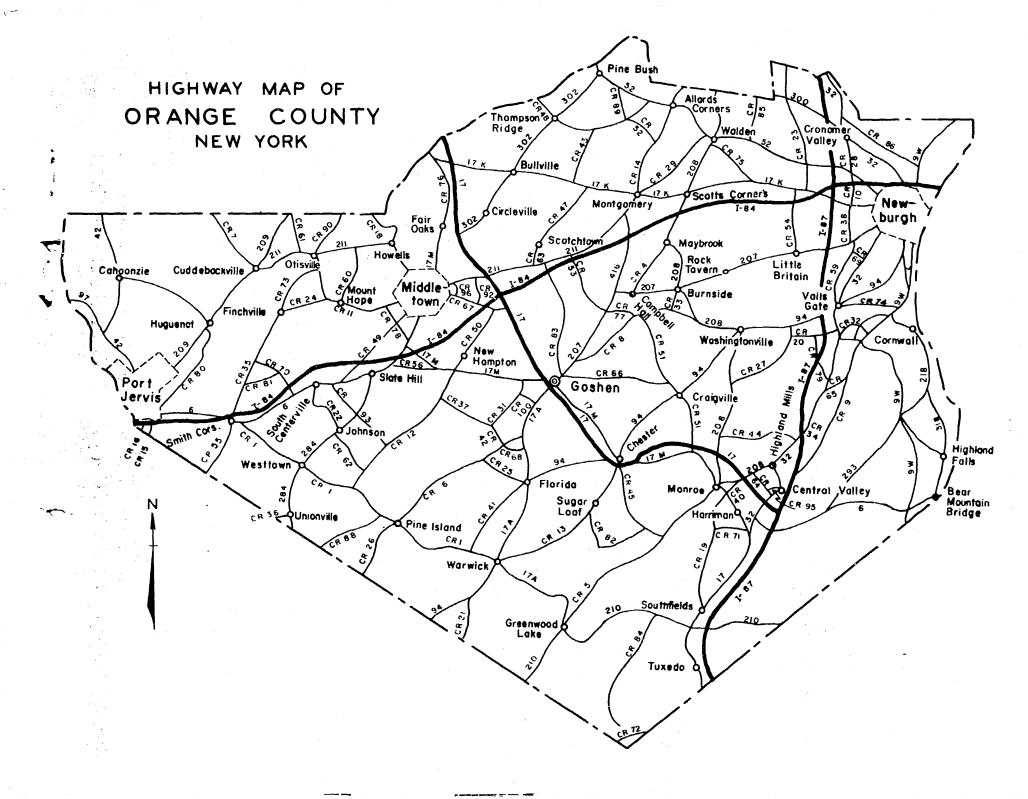
If any questions arise, kindly contact this office.

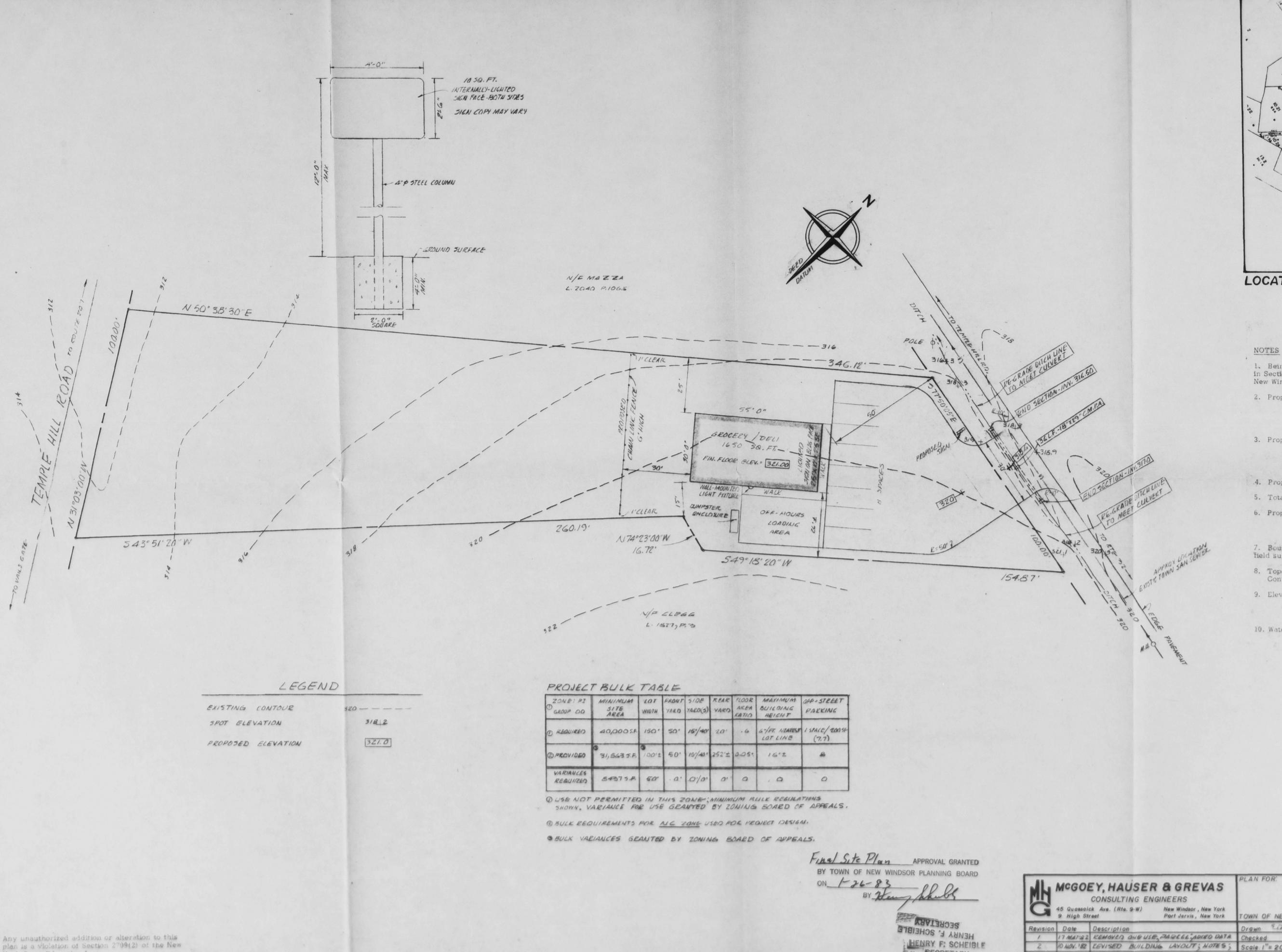
Very truly yours,

William E. Duggan Senior Engineer

WED/DGL/1.il

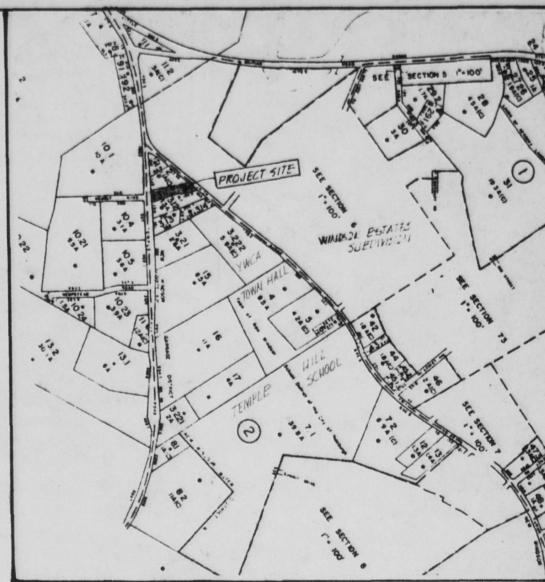
cc: Paul Cuomo, Town Engineer MicGoey, Hauser, Grevas, P.E.





Any unauthorized addition or alteration to this plan is a Violation of Section 2709(2) of the New

York State Education Law.



LOCATION MAP

1"= 800'

1. Being a proposed Site Plan of lands shown in Section 4, Block 2, Lot 3.11 on the Town of New Windsor Tax Maps.

2. Property Owner:

Rita Licari 478 Union Avenue New Windsor, New York 12550

3. Proposed Developer:

Joseph Licari 478 Union Avenue New Windsor, New York 12550

- 4. Property Zone: PI (Planned Industrial)
- 5. Total Parcel Area: 31,563± square feet
- 6. Proposed Use:

Grocery Store/Delicatessen (facing Union Avenue)

- 7. Boundaries shown hereon are from a field survey of 30 July 1982.
- 8. Topography shown is from field survey; Contour Interval: two (2) feet
- 9. Elevation Datum:

Town of New Windsor Sewer District No. 17

10. Water and Sewer Connections:

Town of New Windsor Systems on Union Avenue



JOSEPH LICARI 45 Quassaick Ave. (Rte. 9-W) New Windsor, New York
9 High Street Port Jervis, New York ORANGE COUNTY TOWN OF NEW WINDSOR NEW YORK Revision Date Description Drawn: "IL

1 17 MAY'82 REMOVED ONE USE, PAREEL, ADDED DATA Checked:

2 10 NOV. 82 EEVISED BUILDING LAYOUT; NOTES; Scale: 1"= 20' Sheet: SKETCH SITE ADDED CONTOURS; LEGEND Date: 18 Mari982 8 25 JAMBS REVISED DRIVE - ADIDED SIGN DETAIL Job No. 566282

SECRETARY